

AMENDED IN ASSEMBLY AUGUST 30, 2010

AMENDED IN ASSEMBLY AUGUST 26, 2010

AMENDED IN ASSEMBLY AUGUST 20, 2010

SENATE BILL

No. 847

**Introduced by Senator Steinberg
(Principal coauthor: Senator Romero)**

(Principal coauthors: Assembly Members Brownley, John A. Pérez,
and Torlakson)

(Coauthors: Senators Alquist, Pavley, and Wiggins)

(Coauthors: Assembly Members Ammiano, Block, Buchanan,
Caballero, Chesbro, Coto, De La Torre, Evans, Gatto, Huber,
Huffman, Jones, Miller, Monning, Nestande, V. Manuel Pérez, ~~and~~
Salas Salas, and Solorio)

January 11, 2010

An act relating to education finance, making an appropriation therefor,
and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 847, as amended, Steinberg. Education finance.

Existing law creates the Federal Trust Fund in the State Treasury *for the deposit of moneys received from the federal government where the expenditure is administered through or under the direction of any state agency.*

This bill would appropriate \$1,201,534,585 from the Federal Trust Fund to the Office of Planning and Research for the 2010–11 fiscal year upon notification to the state of a funding award pursuant to the federal Education Jobs and Medicaid Assistance Act. From that amount, the bill would require the Office of Planning and Research to transfer

\$1,201,406,585 to the State Department of Education for purposes of implementing that federal act and make \$128,000 available to the Office of Planning and Research for the purposes of providing oversight of funds allocated to local educational agencies pursuant to the bill. Of the amount transferred to the department, the bill would require that \$1,199,906,585 be allocated to local educational agencies, as specified, and would make \$1,500,000 available to the department for administrative purposes related to that allocation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The sum of one billion two hundred one
2 million five hundred thirty-four thousand five hundred eighty-five
3 dollars (\$1,201,534,585) is hereby appropriated, upon notification
4 to the state of a funding award pursuant to the federal Education
5 Jobs and Medicaid Assistance Act (Public Law 111-226), from
6 the Federal Trust Fund to the Office of Planning and Research for
7 the 2010–11 fiscal year.

8 (1) From the amount appropriated by this subdivision, one
9 hundred twenty-eight thousand dollars (\$128,000) shall be available
10 to the Office of Planning and Research for the purpose of providing
11 oversight of the funds allocated pursuant to subparagraph (A) of
12 paragraph (2).

13 (2) From the amount appropriated by this subdivision, the sum
14 of one billion two hundred one million four hundred six thousand
15 five hundred eighty-five dollars (\$1,201,406,585) shall be
16 transferred to the State Department of Education for purposes of
17 implementing the federal Education Jobs and Medicaid Assistance
18 Act (Public Law 111-226). The funds transferred by this paragraph
19 shall be expended by the department in accordance with the
20 following schedule:

21 (A) One billion one hundred ninety-nine million nine hundred six
22 thousand five hundred eighty-five dollars (\$1,199,906,585) shall
23 be allocated to local educational agencies ~~on the basis of an equal~~
24 ~~amount per unit of average daily attendance, as reported for the~~
25 ~~2010–11 second principal apportionment.~~ *in an amount calculated*

1 *to be an equal proportion of the amount calculated for the 2010–11*
2 *fiscal year for each of the following, as appropriate:*

3 *(i) School district revenue limits, pursuant to subdivisions (c)*
4 *and (d) of Section 42238.*

5 *(ii) County office of education revenue limits, pursuant to*
6 *subdivisions (a) to (d), inclusive, of Section 2558.*

7 *(iii) The revenue limit portion of charter school operational*
8 *funding, as determined pursuant to Section 47633.*

9 *(B) A preliminary allocation equal to 90 percent of the estimated*
10 *final allocation, estimated on the basis of average daily attendance*
11 *reported for the 2009–10 second principal apportionment, shall be*
12 *allocated clauses (i) to (iii), inclusive, of subparagraph (A) for the*
13 *2009–10 fiscal year, shall be distributed no later than 14 days*
14 *following the effective date of this act or notification to the state*
15 *of a federal funding award, whichever is later.*

16 ~~(B)~~

17 *(C) One million five hundred thousand dollars (\$1,500,000)*
18 *shall be available to the State Department of Education for*
19 *administrative purposes related to the allocation of funds pursuant*
20 *to subparagraph (A).*

21 *(b) Funds allocated to local educational agencies pursuant to*
22 *subparagraph (A) of paragraph (2) of subdivision (a) shall be used*
23 *consistent with the requirements of the federal Education Jobs and*
24 *Medicaid Assistance Act (Public Law 111-226) and any related*
25 *federal regulations or guidance, and shall be used only for*
26 *compensation, benefits, and other expenses, including support*
27 *services, that are necessary to retain existing employees, to recall*
28 *or rehire former employees, and to hire new employees, where*
29 *those employees provide school-level educational and related*
30 *services.*

31 *(c) Any local educational agency that receives an allocation*
32 *pursuant to subparagraph (A) of paragraph (2) of subdivision (a)*
33 *and has funds remaining after the 2010–11 fiscal year may use*
34 *those remaining funds through September 30, 2012, for the*
35 *purposes specified in subdivision (b).*

36 **SEC. 2.** *This act is an urgency statute necessary for the*
37 *immediate preservation of the public peace, health, or safety within*
38 *the meaning of Article IV of the Constitution and shall go into*
39 *immediate effect. The facts constituting the necessity are:*

- 1 In order to allow money appropriated by the United States
- 2 Congress for purposes of the federal Education Jobs and Medicaid
- 3 Assistance Act to be spent by the state at the earliest possible time,
- 4 it is necessary that this act take effect immediately.

O